



PTO/SB/21 (05-03)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

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|---|----------------------|-------------------------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/618,403 |
| | Filing Date | July 11, 2003 |
| | First Named Inventor | Charles E. HEGER |
| | Art Unit | Not Yet Assigned |
| | Examiner Name | Not Yet Assigned |
| Total Number of Pages in This Submission | 6 + 1 ref. | Attorney Docket Number 549242002300 |

ENCLOSURES (check all that apply)

| | | |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Request for Refund | 1. Form PTO-1449 (1 page) citing 19 references + duplicate copy |
| <input checked="" type="checkbox"/> Information Disclosure Statement (3 pages) | <input type="checkbox"/> CD, Number of CD(s) _____ | 1. One (1) copy of reference |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | | 2. Return Receipt Postcard |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | Remarks | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | |
|-------------------------|--|-------|
| Firm or Individual name | MORRISON & FOERSTER LLP Bryan H. Wyman - 48,049 | 25226 |
| Signature | | |
| Date | August 28, 2003 | |

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: August 28, 2003

Signature: (Darci Sakamoto)



PATENT
Docket No. 549242002300

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

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Darci Sakamoto

Darci Sakamoto

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Charles E. HEGER

Serial No.: 10/618,403

Filing Date: July 11, 2003

For: DUAL AXIS CAPACITIVE LEVEL
SENSOR

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicant submits for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Pursuant to the USPTO notice dated July 11, 2003, waiving the requirement under 37 C.F.R. § 1.98 (a)(2)(i) to provide copies of U.S. Patents and U.S. Published Applications, copies of those references numbered 1 through 18 are not submitted. A copy of the non-patent literature is submitted herewith in accordance with 37 C.F.R. § 1.98 (a)(2). The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of __ is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of __ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)


Applicant would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.


In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 549242002300. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: August 28, 2003

Respectfully submitted,

By: 
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|---|-------------------------------|---------------------------------|
| Form PTO-1449  INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary) | Docket Number 549242002300 | Application Number 10/618,403 |
| | Applicant Charles E. HEGER | |
| | Filing Date July 11, 2003 | Group Art Unit Not Yet Assigned |
| | Mailing Date August 28, 2003 | |

U.S. PATENT DOCUMENTS

| Examiner Initials | Ref. No. | Date | Document No. | Name | Class | Subclass | Filing Date If Appropriate |
|-------------------|----------|------------|--------------|----------------|-------|----------|----------------------------|
| | 1. | 12/21/1976 | 3,997,976 | Li | | | |
| | 2. | 06/13/1978 | 4,094,073 | Parra | | | |
| | 3. | 06/03/1980 | 4,206,400 | Holdren et al. | | | |
| | 4. | 08/24/1982 | 4,345,474 | Deval | | | |
| | 5. | 12/22/1987 | 4,713,890 | Wells et al. | | | |
| | 6. | 03/14/1989 | 4,811,492 | Kakuta et al. | | | |
| | 7. | 03/27/1990 | 4,912,662 | Butler et al. | | | |
| | 8. | 01/28/1992 | 5,083,383 | Heger et al. | | | |
| | 9. | 11/09/1993 | 5,259,118 | Heger | | | |
| | 10. | 05/24/1994 | 5,313,713 | Heger et al. | | | |
| | 11. | 12/12/1995 | 5,475,372 | Burke | | | |
| | 12. | 04/30/1996 | 5,511,420 | Zhao et al. | | | |
| | 13. | 05/12/1998 | 5,751,683 | Kley | | | |
| | 14. | 01/19/1999 | 5,861,754 | Ueno et al. | | | |
| | 15. | 08/17/1999 | 5,939,633 | Judy | | | |
| | 16. | 11/13/2001 | 6,317,011 | Barnett et al. | | | |
| | 17. | 05/07/2002 | 6,381,860 | Yashiro et al. | | | |
| | 18. | 02/04/2003 | 6,515,489 | Min et al. | | | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials | Ref. No. | Date | Document No. | Country | Class | Subclass | Translation YES NO |
|-------------------|----------|------|--------------|---------|-------|----------|-----------------------|
| | | | | | | | |

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

| Examiner Initials | Ref. No. | Title |
|-------------------|----------|--|
| | 19. | Kolb, P.W. et al. (1998). "Capacitive Sensor for Micropositioning in Two Dimensions," <i>Rev. Sci. Instrum.</i> 69(1):310-312. |

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.